

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT TREVINO,  
Plaintiff,

v.

JEFF BEARD,  
Defendant.

Case No. [15-cv-04837-EMC](#)

**ORDER DENYING SECOND MOTION  
FOR APPOINTMENT OF COUNSEL**

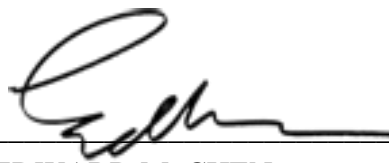
Docket No. 25

Petitioner has filed a second motion for appointment of counsel to represent him in this action. A district court may appoint counsel to represent a habeas petitioner whenever “the court determines that the interests of justice so require” and such person is financially unable to obtain representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See id.* The interests of justice do not require appointment of counsel in this action. The second motion for appointment of counsel is **DENIED**. Docket No. 25.

Respondent has filed a motion to dismiss, and Petitioner has sought and received an extension of the deadline to respond to that motion. The Court wants to adjudicate that motion next. Petitioner therefor should not file any other motion, request, or application until twenty-one days after he files his opposition to Respondent’s motion to dismiss.

**IT IS SO ORDERED.**

Dated: June 21, 2016

  
EDWARD M. CHEN  
United States District Judge